THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.10859 OF 2007

DATED: 09-07-2007

BETWEEN

Chiluka Thirupathi,
S/o. Bhumaiah,
Occ: Business,
R/o. H.No.8-4-34/1,
Gandhi Nagar,
Sircilla, Karimnagar District.

…PETITIONER

AND

The Station House Officer,
Police Station, Sircilla,
Karimnagar District and
others.

…RESPONDENTS

ORDER:

Petitioner submits that on a complaint filed by his wife – fourth respondent a case in Cr.No.11 of 2005 was registered for the offence under Sections 324 and 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act on the file of the Sircilla Police Station and after completion of investigation, charge sheet has been filed, which was numbered as C.C.No.116 of 2005 but the same was settled in Lok Adalath. Thereafter, his wife filed another complaint dated 10.03.2007 based on which a case in Cr.No.108 of 2007 was registered under Sections 498-A and 494 IPC, in which the petitioner obtained anticipatory bail from the Court of III Additional Sessions Judge, Karimnagar.

2. Petitioner further submits that he has no objection if investigation is made and charge sheet is filed in accordance with law in the aforesaid case, but his grievance is that under the guise of investigation, the second respondent, who is implicated by name as third respondent, is illegally pressurizing him to settle the civil dispute pending between him and his wife and that he is also interfering with his peaceful possession and enjoyment in respect of his house RRC building situated in Gandhi Nagar, Sircilla.

3. Counter has been filed stating that based on the complaint alone the aforesaid case has been registered and the investigation is in progress but the petitioner was never called to the police station and he was never pressurized to settle the disputes with his wife.
It is further stated that the petitioner was never insisted upon to transfer the said house in favour of the fourth respondent and in fact, he was never summoned to the police station and detained.

4. I am of the opinion that when a criminal case is pending,
the petitioner can be summoned to the police station for the purpose of investigation but under the guise of investigation, if the presence of petitioner is not required, he cannot orally be summoned and detained in the police station. Therefore, if there is any illegal interference or excessive action on the part of the respondents 2 and 3, it is always open to the petitioner to make a representation before the Superintendent of Police and if any such representation is made, it is for the Superintendent of Police to take appropriate action in accordance with law. However, in view of the categorical denial of all the allegations no orders need be passed in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

July 9, 2007
DSK